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*Attorneys for Plaintiff*  
**SUSAN SIMON and the putative class**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SUSAN SIMON, individually, on behalf of herself and all others similarly situated,

Case No.: C09-00879-MMC

**Plaintiffs,**

V.

ADZILLA, INC.; CONDUCTIVE  
CORPORATION; CONTINENTAL VISINET  
BROADBAND, INC.; CORE  
COMMUNICATIONS, INC. d/b/a CORETEL  
COMMUNICATIONS, INC. et al.

**SECOND STIPULATION REGARDING  
TIME FOR PLAINTIFF'S RESPONSE TO  
DEFENDANT CONTINENTAL VISINET  
BROADBAND LLC'S MOTION TO  
DISMISS AND TO CONTINUE HEARING  
DATE**

### Defendants.

The Hon. Maxine M. Chesney

Pursuant to Civil Local Rule 6-1, Plaintiff and Defendant Continental Visinet Broadband LLC (“Continental Visinet”) hereby stipulate and agree as follows:

1. The time for Plaintiff to file a response to Continental Visinet's Motion to Dismiss (Dkt. No. 9) is extended to July 2, 2009.

2. Plaintiff filed her complaint on February 27, 2009.

3. Continental Visinet filed its Motion to Dismiss on March 30, 2009.

4. This is the second request for an extension of time concerning a response to

#### 4 | Continental Visinet's Motion to Dismiss.

5       5.       The parties request this extension to allow Plaintiff and Defendant Continental  
6 Visinet to finalize their discussions regarding a non-judicial resolution of the matter through  
7 informal discussions. The parties have agreed in principal to such a resolution and require  
8 additional time in which to finalize details to formally implement the non-judicial resolution as to  
9 Continental Visinet.

10       6. Plaintiff has entered into previous stipulations with defendants Conducive and  
11 CoreTel to provide these defendants additional time to file a responsive pleading or otherwise  
12 respond to Plaintiff's Complaint.

13       7. This requested time modification will require the Court to reschedule the hearing  
14 on Defendant Continental Visinet's Motion to Dismiss, which is currently scheduled for June 12,  
15 2009 at 9:00 a.m. The parties propose that the Court reschedule the hearing for Friday, July 24,  
16 2009 at 9:00 a.m.

17 | Dated: May 21, 2009

By: /s/  
Alan Himmelfarb  
**KAMBEREDELSON, LLC**  
*Attorney for Plaintiffs*

20 | Dated: May 21, 2009

By: /s/  
Martin L. Fineman  
**DAVIS WRIGHT TREMAINE LLP**  
*Attorney for Defendant Continental  
Visinet Broadband LLC.*

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BROADBAND, INC.; CORE  
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**PROPOSED ORDER REGARDING TIME  
FOR PLAINTIFF'S RESPONSE TO  
DEFENDANT CONTINENTAL VISINET  
BROADBAND LLC'S MOTION TO  
DISMISS**

The Hon. Maxine M. Chesney

## Defendants.

Proposed Order Granting Plaintiffs Time For Plaintiff's Response To Defendant Continental Visinet's Motion To Dismiss and to Continue Hearing Date

Case No. 3:09-cv-879-MMC

1 Now before the Court is Plaintiff's and Defendant Continental Visinet Broadband LLC's  
2 Stipulation Regarding Time for Plaintiff's Response to Defendant Continental Visinet's Motion to  
3 Dismiss. Upon consideration of the stipulation, this Court is of the opinion that Plaintiff shall  
4 have until July 2, 2009 to respond to Defendant Continental Visinet's Motion to Dismiss. The  
5 hearing on Defendant Continental Visinet's Motion to Dismiss is hereby set for Friday, July 24,  
6 2009 at 9:00 a.m.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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9

10 DATED: \_\_\_\_\_

11 By: \_\_\_\_\_  
12 Hon. Maxine M. Chesney  
United States District Court  
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